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Attorneys for Defendant
META PLATFORMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOHN STOSSEL, an individual,

Plaintiff,

v.

META PLATFORMS, INC., a Delaware
corporation; SCIENCE FEEDBACK, a French non-
profit organization; and CLIMATE FEEDBACK, a
French non-profit organization,

Defendants.

Case No. 5:21-cv-07385-LHK

**STIPULATION REGARDING
CONSENT TO MAGISTRATE JUDGE
VIRGINIA DEMARCHI PER DKT. 39,
AND REGARDING BRIEFING
SCHEDULE PER L.R. 6-2(A)**

1 In response to the Court's instructions set forth in Docket No. 39, and pursuant to Civil Local
2 Rules 7-12 and 6-2(A), Plaintiff John Stossel ("Plaintiff"), Defendant Meta Platforms, Inc. ("Meta"),
3 and Defendants Climate Feedback and Science Feedback (collectively, the "Feedback Defendants"),
4 by and through their undersigned counsel, stipulate and agree as follows:

5 WHEREAS Plaintiff filed his Complaint on September 22, 2021 (Dkt. No. 1);

6 WHEREAS Plaintiff and Meta stipulated and agreed to extend the time for Meta to answer,
7 move, or otherwise respond to the Complaint to November 30, 2021 (Dkt. No. 18);

8 WHEREAS, Plaintiff and Meta stipulated and agreed to, and the Court ordered, an extension
9 of time for Plaintiff's Opposition to any Rule 12 motion or other response to January 11, 2022, and
10 for Meta's Reply to any such motion or response to February 8, 2022 (Dkt. No. 19);

11 WHEREAS, Plaintiff and Meta stipulated and agreed to, and the Court ordered, a stay of
12 discovery (including initial disclosures) until the Court has issued an Order deciding Meta's motion
13 (Dkt. Nos. 25-26);

14 WHEREAS, on November 29, 2021, Meta filed a Motion to Dismiss Complaint and Special
15 Motion to Strike Complaint Under California's Anti-SLAPP Statute, with a noticed hearing date of
16 March 8, 2022 (Dkt. No. 27);

17 WHEREAS, this matter was reassigned to the Honorable Lucy H. Koh on December 8, 2021,
18 and all hearing dates were vacated (Dkt. No. 36). The Court then reset the hearing date for Meta's
19 motions for March 24, 2022 (Dkt. 38);

20 WHEREAS, on December 17, 2021, the Court's Executive Committee notified the parties
21 that Judge Koh had been confirmed to the United States Court of Appeals for the Ninth Circuit, and
22 instructed the parties to meet and confer and then notify the Court as to whether the parties
23 consented to a magistrate judge's jurisdiction or requested further reassignment to a district judge
24 (Dkt. No. 39);

25 WHEREAS, on December 29, 2021, counsel for Plaintiff and counsel for Defendants
26 Science Feedback and Climate Feedback met and conferred, and agreed that the Feedback
27 Defendants would waive any objection regarding whether or not they had been validly served, and
28

1 further agreed to a negotiated briefing schedule for the Feedback Defendants' anticipated motion(s)
2 in response to the Complaint;

3 WHEREAS, counsel for all parties then met and conferred, and agreed to consent to the
4 jurisdiction of U.S. Magistrate Judge Virginia K. DeMarchi and request that Judge DeMarchi be
5 reassigned as the presiding judge. The parties further agreed to a briefing schedule for the Feedback
6 Defendants' anticipated motion(s), and that all motions filed by Meta and the Feedback Defendants
7 shall be heard on the same day. Finally, the parties agreed to stay discovery as to all of them until the
8 Court has issued an Order deciding both Meta's motions and the Feedback Defendants' motion(s),
9 except that Plaintiff reserves the right to seek discovery on any factual issues raised by any special
10 motion to strike filed by the Feedback Defendants pursuant to California's anti-SLAPP law.

11 Pursuant to Civil Local Rule 7-12, Plaintiff, Meta, and the Feedback Defendants, by and
12 through their respective undersigned counsel, hereby stipulate and agree to the following, and
13 request that the Court order:

14 1. Defendants Science Feedback and Climate Feedback waive any objection to the
15 manner in which they were or were not served with process;

16 2. All parties consent to have U.S. Magistrate Judge Virginia K. DeMarchi exercise
17 jurisdiction over this action and request that Judge DeMarchi be reassigned as the presiding judge;

18 3. The Feedback Defendants shall file their response(s) to Plaintiff's Complaint by
19 January 31, 2022; Plaintiff shall file his opposition(s) to the Feedback Defendants' response(s) by
20 February 28, 2022; and the Feedback Defendants shall file their reply by March 21, 2022;

21 4. The briefing schedule on Meta's Motion to Dismiss and Special Motion to Strike
22 shall remain unchanged, with Plaintiff to file his opposition to Meta's Motion by January 11, 2022,
23 and Meta to file its reply by February 8, 2022;

24 5. A stay of all discovery as to all parties, until the Court has issued an Order deciding
25 both Meta's motions and the Feedback Defendants' motion(s), except that Plaintiff reserves the right
26 to seek discovery on any factual issues raised by any special motion to strike filed by the Feedback
27 Defendants pursuant to California's anti-SLAPP law.
28

1 Pursuant to Civil Local Rule 6-2(a), the parties hereby stipulate and agree, and request that
2 the Court schedule a consolidated hearing on Meta's pending motions, and on the Feedback
3 Defendants' anticipated motion(s), at a date convenient to the Court in April, 2022.

4
5 Dated: January 4, 2022

DHILLON LAW GROUP INC.

6 By: /s/ Krista L. Baughman
7 KRISTA L. BAUGHMAN

8 *Attorney for Plaintiff*
9 John Stossel

10 Dated: January 4, 2022

11 WILMER CUTLER PICKERING, HALE AND
12 DORR LLP

13 By: /s/ Molly M. Jennings
14 MOLLY M. JENNINGS

15 *Attorney for Defendant*
16 Meta Platforms, Inc.

17 Dated: January 4, 2022

DAVIS WRIGHT TREMAINE LLP

18 By: /s/ Thomas R. Burke
19 THOMAS R. BURKE

20 *Attorney for Defendants*
21 Science Feedback and Climate Feedback
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CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2022, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: January 4, 2022

By: /s/ Krista L. Baughman
Krista L. Baughman

ATTORNEY ATTESTATION

I, Krista L. Baughman, am the ECF User whose ID and password are being used to file this Stipulation and accompanying proposed order. In compliance with Civil Local Rule 5-l(i)(3), I hereby attest that concurrence in the filing of this document and all attachments has been obtained from each signatory.

Dated: January 4, 2022

By: /s/ Krista L. Baughman
Krista L. Baughman